

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 INT-05 HA-05 TRSE-00 CIAE-00  
DODE-00 PM-05 H-01 INR-10 L-03 NSAE-00 NSC-05  
PA-01 SP-02 SS-15 ICA-11 EB-08 OMB-01 /085 W  
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R 142143Z AUG 78  
FM AMEMBASSY OTTAWA  
TO SECSTATE WASHDC 8372  
AMCONSULS CALGARY VANCOUVER POUCH

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E.O. 11652: N/A  
TAGS: PINT, CA  
SUBJECT: NATIVE CLAIMS NEGOTIATIONS IN MCKENZIE RIVER  
DELTA AND YUKON

1. SUMMARY: KEY FEDERAL NATIVE CLAIMS NEGOTIATOR IS OPTIMISTIC THAT INUIT COMMUNITIES IN MCKENZIE RIVER DELTA WILL IN NEAR FUTURE RATIFY SETTLEMENT WORKED OUT BY FEDERAL OFFICIALS AND COPE, AND THAT THIS WILL CREATE IMPETUS FOR SERIOUS NEGOTIATIONS WITH YUKON INDIANS. DECISION OF YUKON INDIAN LEADERS NOT TO PARTICIPATE IN PIPELINE HEARINGS CONSIDERED HELPFUL AS IT WILL ALLOW THEM TO CONCENTRATE ON CLAIMS NEGOTIATIONS. END SUMMARY.

2. ON AUGUST 4 EMBOFFS REVIEWED STATUS OF NATIVE CLAIMS IN YUKON AND MCKENZIE RIVER DELTA WITH JOHN NAYSMITH, SPECIAL CLAIMS REPRESENTATIVE, DEPT. INDIAN AND NORTHERN AFFAIRS. PARTICULAR FOCUS WAS ON A) POSITION RECENTLY ADOPTED BY LEADERS OF FOUR YUKON INDIAN GROUPS NOT TO PARTICIPATE IN HEARINGS BEING CONDUCTED BY NORTHERN PIPELINE AGENCY, B) RECENTLY ANNOUNCED AGREEMENT ON CLAIMS BETWEEN FEDERAL OFFICIALS AND COPE  
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(COMMITTEE ON ORIGINAL PEOPLES' ENTITLEMENT), AND  
C) EFFECT OF COPE AGREEMENT ON YUKON INDIAN ORGANIZATIONS.

3. NAYSMITH FOUND YUKON INDIAN LEADERS' DECISION NOT TO PARTICIPATE IN PIPELINE HEARINGS (REPORTED VANCOUVER 992) QUITE SATISFACTORY FROM HIS VIEWPOINT AS IT WOULD PROVIDE OPPORTUNITY FOR YUKON INDIAN LEADERSHIP TO

CONCENTRATE IN THE MONTHS AHEAD ON LAND CLAIMS NEGOTIATIONS WITH FEDERAL GOVERNMENT. NAYSMITH NOTED THAT INDIAN COMMUNITIES WOULD STILL BE PARTICIPATING IN HEARINGS.

4. ACCORDING TO NAYSMITH THERE WAS LITTLE DOUBT THAT LIKELIHOOD OF COPE SETTLEMENT WAS HAVING A MOTOR EFFECT IN MOVING COUNCIL FOR YUKON INDIANS (CYI) INTO ACTION. SINCE ANNOUNCEMENT OF THE AGREEMENT, CYI LEADERS HAD ASKED OTTAWA FOR INFORMATION ON NEGOTIATING PROCESS USED BY FEDS AND COPE, AND APPARENTLY ARE RE-WORKING A CLAIMS DOCUMENT CIRCULATED EARLIER INFORMALLY BY CYI. (COPE PROCESS INVOLVED FEDERAL AND TERRITORIAL GOVERNMENTS MEETING WITH COPE IN A NEGOTIATING "FORUM", THE OBJECTIVE OF WHICH WAS TO HAMMER OUT A JOINT POSITION PAPER DURING THE COURSE OF CONTINUAL REFERRALS BACK TO INUIT COMMUNITIES.) CYI IS PARTICULARLY CONCERNED ABOUT WHAT ROLE YUKON TERRITORIAL GOVERNMENT WOULD HAVE IN SUCH PROCESS.

5. NAYSMITH EXPECTS TO HEAR FURTHER FROM CYI IN FALL BUT ANTICIPATES NOTHING IN WAY OF FORMAL NEGOTIATIONS WILL REALLY GET OFF GROUND UNTIL SOMETIME AFTER YUKON TERRITORIAL ELECTIONS IN FALL. DECEMBER SEEMED MOST LIKELY. BASED ON COPE NEGOTIATIONS EXPERIENCE, IF CYI LEADERS COMMIT THEMSELVES COMPLETELY TO LAND CLAIMS LIMITED OFFICIAL USE

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NEGOTIATIONS AN AGREEMENT COULD BE REACHED IN ABOUT SEVEN MONTHS, I.E. SECOND OR THIRD QUARTER IN 1979.

NOTE: PIPELINE CONSTRUCTION NOT EXPECTED TO COMMENCE UNTIL 1980.

6. NAYSMITH APPEARED OPTIMISTIC AS TO LIKELIHOOD OF RATIFICATION OF COPE AGREEMENT. A SERIES OF COMMUNITY MEETINGS, OPEN ONLY TO INUIT, ARE IN PROGRESS IN THE MCKENZIE RIVER DELTA FOR THE PURPOSE OF DISCUSSING JOINT POSITION PAPER ARRIVED AT BY COPE AND FEDERAL GOVERNMENT. THESE CONSULTATIONS ARE TO BE FOLLOWED BY SECRET BALLOT. PLAN IS TO HAVE SETTLEMENT LEGISLATED WITHIN A YEAR. (NOTE: RIGHTS AND BENEFITS SET OUT IN POSITION PAPER INCLUDE LANDS, FINANCIAL COMPENSATION, WILDLIFE HARVESTING RIGHTS, PARTICIPATION IN LAND USE AND WILDLIFE MANAGEMENT, AND ECONOMIC AND SOCIAL DEVELOPMENT MEASURES. PAPER PROPOSES THAT INUVIALUIT OF WESTERN ARCTIC RECEIVE TITLE TO CERTAIN LANDS WITHIN 168,000 SQUARE MILE AREA TRADITIONALLY USED. EACH OF SIX INUIT COMMUNITIES WOULD HAVE 700 SQUARE MILES OF LAND ADJACENT TO THEIR BOUNDARIES AND OWN SUBSURFACE, SUCH AS MINERAL RIGHTS, AND RECEIVE ANY DEVELOPMENT

PROCEEDS. THEY WOULD ALSO RECEIVE TITLE TO 32,000 SQUARE MILES OF LAND (EXCLUDING MINERAL RIGHTS) AND HAVE EXCLUSIVE RIGHTS TO HARVEST GAME ON THEIR LANDS AS WELL AS TO FUR-BEARING ANIMALS INCLUDING MUSKOX, BLACK, GRIZZLY AND POLAR BEARS IN THE WESTERN ARCTIC. FINANCIAL COMPENSATION OF \$45 MILLION WOULD BE PAID IN ANNUAL INSTALLMENTS BETWEEN 1981 AND 1994.)

7. NAYSMITH CONSIDERS PROPOSED COPE SETTLEMENT DEFINITE IMPROVEMENT OVER JAMES BAY SETTLEMENT, PARTICULARLY SINCE EMPHASIS IS MORE ON DIRECT INVOLVEMENT OF THE

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NATIVE COMMUNITIES IN DEVELOPMENT AND RELATED ECONOMIC OPPORTUNITIES, RATHER THAN ON EARLY CASH GRANTS. QUITE RESPONSIBLY, COPE LEADERSHIP HAD WORKED TO AVOID EARLY CASH PAYMENTS IN RECOGNITION THAT INUIT COMMUNITIES WOULD NOT BE ABLE TO HANDLE LARGE AMOUNTS OF MONEY.

8. NAYSMITH ACKNOWLEDGED THAT POLITICAL ASPECT OF A POSSIBLE SETTLEMENT WITH YUKON INDIANS MIGHT BE MORE DIFFICULT TO ACHIEVE THAN WITH COPE. COPE WAS WILLING TO SETTLE FOR INSERTION OF PARAGRAPH STATING THAT QUESTION OF POLITICAL DEVELOPMENT WAS OUTSIDE THE SCOPE OF THE AGREEMENT. NAYSMITH THOUGHT YUKON INDIANS WOULD PUSH FOR SOMETHING STRONGER.

9. IN CONVERSATION, NAYSMITH MENTIONED THAT LAND SELECTION PROCESS UNDER THE PIPELINE LEGISLATION WAS IN PROCESS. UNDER TERMS OF PARA 31A SPECIFIC LANDS WERE BEING ALLOCATED TO REGIONAL CORPORATE BODIES AS WELL

AS TO NATIVE COMMUNITY ORGANIZATIONS.

10. EMBASSY COMMENT: NAYSMITH PAINTED A ROSY PICTURE--  
THE COPE AGREEMENT PROCEEDING SMOOTHLY TO AN EARLY  
SETTLEMENT, AND THE YUKON INDIANS CLAIMS BEING RESOLVED  
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IN RELATIVELY SHORT ORDER. NEVERTHELESS, NAYSMITH'S  
OPTIMISM MUST BE TAKEN WITH A DEGREE OF CAUTION AS HE  
HAS IN PAST OFFERED OPTIMISM ABOUT SUCH VENTURES WHICH  
HAS NOT ALWAYS TURNED OUT TO BE JUSTIFIED.  
ENDERS

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## Message Attributes

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